

COLBY M. MAY, ESQ., P.C.

ATTORNEY AT LAW

205 THIRD STREET, S.E.

P.O. Box 15473

WASHINGTON, DC 20003

TELEPHONE No.

(202) 544-5171

TELECOPIER No.

(202) 544-5172

WRITER'S E-MAIL ADDRESS:
cmmay@maylawoffices.com

COLBY M. MAY[△]

Of Counsel:

RICHARD G. GAY*

JAMES M. HENDERSON, SR.†

May 24, 2012

[△]Also Admitted in VA

*Also Admitted in OH, WV

†Also Admitted in KY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Written Ex Parte Communication in CS Docket No. 98-120

Dear Ms. Dortch:

The Commission has proposed to extend the viewability rule to ensure that must carry television stations can be accessed by all cable subscribers regardless of whether they subscribe to digital, analog or hybrid systems. Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network ("TBN"), by undersigned counsel, hereby provides the attached breakout of the analog and digital cable subscriber numbers in each market of TBN's affiliated stations. These stations support extending the Commission's viewability rule because they rely upon mandatory carriage to reach the cable television households in the markets they serve. Removal of the viewability requirement would strand a minimum of 5,806,307 analog only cable subscribers nationwide, and eliminate their ability to maintain access to the unique service provided by TBN's stations.

TBN's affiliated stations provide an inspirational, religious, educational, cultural, and informative program service not available anywhere else. Nielsen and Barna Research surveys confirm that TBN is the most watched faith channel in America, reaching a diverse and unique viewership (for example):

<u>% by Age</u>	<u>% by education</u>	<u>% by income</u>	<u>% by marital status</u>
26 age 45 – 54	43 high sch. grad.	61 \$50K+ yr.	39 mrd. w/ children @ hm
22 age 35 – 44	1+ years college	20 \$36- 49K yr.	35 mrd. w/ children away
21 age 55 – 64	26 college grad.	19 \$35K<	15 mrd. no children
			10 single
			2 single w/ children

TBN is aware of the National Association of Broadcasters' study documenting the potential harm to stations if they lose a portion of their viewers through changes to the viewability rule. The attached TBN Broadcast Analog – Digital Tier Cable Report ("Cable Report") provides a stark glimpse at just how destructive elimination of the viewability rule would be -- while 81% of all cable subscribers in the 35 markets represented in the Cable Report have digital cable

Marlene H. Dortch
Secretary
Federal Communications Commission
May 24, 2012
page 2

service, 19% do not. It makes little, if any, sense, and does not serve the public interest, to pull the rug out from under 1 in 5 cable subscribers in each of the markets. The viewability rule will insure this significant percentage of viewers are protected as the cable industry continues its migration to digital only service. Maintaining the rule will also help ensure the vitality and availability of the free-to-the-home broadcast service TBN's stations provide.

As with all specialty and non-commercial broadcasters, TBN's stations compete aggressively for viewership, public support, and unique programmers. If it loses 19% of the households in each must carry market, its economic viability would be negatively impacted and programmers would seek lower rates or even take their business elsewhere. It is clear that a decline in this support and revenue would cause serious financial problems for the TBN stations and, consequently, for the service to the public each station provides. TBN agrees with NAB's analysis of the financial impact of losing access to cable households.

The TBN stations want to continue to serve all of the cable households within each station's market. Accordingly, it strongly urges the Commission to retain the current viewability rule.

Respectfully submitted,

**Trinity Christian Center of Santa Ana,
Inc., d/b/a Trinity Broadcasting Network**

By: 

Colby M. May
Its Counsel

CMM/gmc

Encl.

cc: William Lake, Michelle Carey, Mary Beth Murphy, Steven Broeckaert, Alison Neplokh,
Evan Baranoff, John Gabrysch, and Erin Dozier

TBN Broadcast Analog - Digital Tier Cable Report

DMA Name	Call Letters	Cable Must Carry Analog	Cable Digital Tier	Percentage of Digital Cable Tier	Broadcast Only Non Cable HH
Albuquerque, NM (Albuquerque-Santa Fe)	KNAT	279,990	226,792	81%	123,880
Monroe, GA (Atlanta)	WHSG	1,322,670	1,071,363	81%	188,390
Beaumont, TX (Beaumont-Port Arthur)	KITU	104,680	84,791	81%	19,820
Gadsden, AL (Ann-Tusc)	WTJP	397,770	322,194	81%	67,710
Dalton, GA (Chattanooga)	WELF	214,980	174,134	81%	37,690
LaSalle, IL (Chicago)	WWTO	2,118,700	1,716,147	81%	558,080
Canton, OH (Cleveland-Akron)	WDLI	1,029,440	833,846	81%	226,200
Columbus, OH	WSFJ	607,340	491,945	81%	116,650
Dallas, TX (Dallas-Ft. Worth)	KDTX	1,027,240	832,064	81%	526,090
Richmond, IN (Dayton)	WKOI	343,020	277,846	81%	88,060
Greeley, CO (Denver)	KPJR	813,060	658,579	81%	203,770
Harlingen (Harlingen-Wslco-Brnsvl-McA)	KLUJ	129,320	104,749	81%	123,490
Honolulu, HI	KAHH	373,090	302,203	81%	23,260
Houston, TX	KETH	1,027,400	832,194	81%	471,120
Bloomington, IN (Indianapolis)	WCLJ	582,100	471,501	81%	183,620
Jacksonville, FL	WJEB	400,710	324,575	81%	70,370
Santa Ana, CA (Los Angeles)	KTBN	2,910,890	2,357,821	81%	1,039,460
Holly Springs, MS (Memphis)	WBUY	340,240	275,594	81%	101,340
Miami, FL (Miami-Ft. Lauderdale)	WHFT	1,029,640	834,008	81%	134,050
Mayville, WI (Milwaukee)	WWRS	548,530	444,309	81%	198,230
Mobile, AL (Mobile-Pensacola (Ft Walton)	WMPV	317,570	257,232	81%	54,470
Montgomery, AL (Montgomery-Selma)	WMCF	163,630	132,540	81%	21,970
Hendersonville, TN (Nashville)	WPGD	504,850	408,929	81%	125,770
Poughkeepsie, NY (New York)	WTBY	5,807,320	4,703,929	81%	430,490
Virginia Beach, VA (Norfolk-Portsmth-Newpt Nws)	WTPC	502,300	406,863	81%	72,850
Oklahoma City, OK	KTBO	379,300	307,233	81%	112,320
Cocoa, FL (Orlando-Daytona Bch-Melbr)	WHLV	972,040	787,352	81%	105,880
Burlington, NJ (Philadelphia)	WGTW	2,224,180	1,801,586	81%	231,820
Phoenix, AZ (Prescott)	KPAZ	1,022,220	827,998	81%	274,690
Portland, OR	KNMT	581,980	471,404	81%	234,560
San Antonio, TX	KHCE	462,230	374,406	81%	122,670
Tacoma, WA (Seattle-Tacoma)	KTBW	1,174,430	951,288	81%	235,380
St. Joseph, MO	KTAJ	28,430	23,028	81%	6,620
Bartlesville, OK (Tulsa)	KDOR	264,830	214,512	81%	85,800
Fort Pierce, FL (West Palm Beach-Ft. Pierce)	WTCE	553,390	448,246	81%	33,790
Total		30,559,510	24,753,203	81%	6,650,360